

judicial functions for the most part in administrative agencies, where they are clearly quasi-non-judicial regulatory functions, as in the Federal Power Commission, the Federal Communications Commission, the Security & Exchange Commission, and the Workmen's Compensation Board, these are different from courts like the tax court, or the probate court created by the legislature, which are composed of former judges? Perhaps the Chair can assist on this.

THE CHAIRMAN: If your question was directed to the Chair I would answer that the distinction is not so much the one that you have just indicated, but rather the distinction between an agency determining rights as between the State or a governmental unit, and a citizen, and the agency or court determining rights between citizen and citizen.

A zoning appeal board, for instance, is not a court.

DELEGATE DUKES: So that the determination would be that the legislature could create any court, call it what you will, which dealt with relationships between the State and citizens, but could not create any such specialty court which dealt between citizen and citizen, is that correct?

THE CHAIRMAN: I would not go quite that far; but then most generalities are difficult to reach.

DELEGATE DUKES: What I am trying to find out is what jurisdiction, if any, does the legislature have to create specialty bodies or courts that deal with problems of citizens and citizens—automobile accidents, family courts, probate, that sort of thing?

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: First it depends upon what jurisdiction the legislature is going to prescribe for courts in the four-tier system.

DELEGATE DUKES: I did not understand.

DELEGATE MUDD: It first depends on what jurisdiction the legislature is going to prescribe for courts in the four-tier system.

DELEGATE DUKES: I am assuming that under section 5.01 all judicial power must be in the four-tier courts.

DELEGATE MUDD: Yes.

DELEGATE DUKES: I want to know

what authority, if any, the legislature has to deal with this type of problem outside of the four-tier court.

DELEGATE MUDD: Quasi-judicial agency and administrative agency is the only way I can answer.

THE CHAIRMAN: I think the question was, to use Delegate Dukes' illustration, under this article would it be competent for the legislature to set up a quasi-judicial agency not under the four-tier courts to try automobile negligence cases?

DELEGATE DUKES: It could give it minimal legislative authority to be quasi, but it would circumvent the theory of rule making having control over functional divisions.

DELEGATE MUDD: It may be. I cannot answer that.

THE CHAIRMAN: Delegate Dukes, do you have a further question?

Delegate Clagett?

DELEGATE CLAGETT: Delegate Mudd, how many superior courts are contemplated under this article?

DELEGATE MUDD: One.

THE CHAIRMAN: Delegate Clagett.

DELEGATE CLAGETT: There will be only one superior court, and how many superior courts will there be in each county?

DELEGATE MUDD: There will be a division of the superior court in each county.

THE CHAIRMAN: Delegate Clagett.

DELEGATE CLAGETT: Where is the provision for that division?

DELEGATE MUDD: I think it is implicit in the arrangement with a judge of the superior court in each county.

THE CHAIRMAN: Delegate Clagett.

DELEGATE CLAGETT: That would fall under section 5.08, would it not?

DELEGATE MUDD: Yes.

DELEGATE CLAGETT: Is it not possible under section 5.08 for there to be a superior court located in Annapolis with a resident superior court judge in each of the twenty-four counties who will have to come to Annapolis to sit, as will all of the persons who appear before that court or who are required to appear before that court?